



# UNITED STATES PATENT AND TRADEMARK OFFICE

*q/m*

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,925	06/16/2000	BRIAN BRANSCOMB	102689-26	3551

21125 7590 03/29/2004

NUTTER MCCLENNEN & FISH LLP  
WORLD TRADE CENTER WEST  
155 SEAPORT BOULEVARD  
BOSTON, MA 02210-2604

EXAMINER

DINH, TUAN T

ART UNIT	PAPER NUMBER
----------	--------------

2827

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/595,925

Applicant(s)

BRANSCOMB, BRIAN

Examiner

Tuan T Dinh

Art Unit

2827

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02-02-01
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 03/20/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:

Page 91, line 8, applicant should provide "the Patent application serial number" which filed on May 20, 2000".

Examiner requests to applicant to revise or submit a new specification because these words are not "the same font"

Appropriate correction is required.

### *Drawings*

2. The drawings are objected to because none of the drawings shows "the first portion comprises a top portion, a top, front portion, or a top, back portion, and the second portion comprises a bottom portion, a bottom, front portion, or a bottom back portion" see claims 9-11. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2827

4. Claims 10-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 10, it is unclear. What does applicant mean by "the first portion comprises a top, front portion...the second portion comprises a bottom, front portion." Are they the same part or different part? To apply art, examiner assumes they are the same part.

Regarding claim 11, it is unclear. What does applicant mean by "the first portion comprises a top, back portion...the second portion comprises a bottom, back portion." Are they the same part or different part? To apply art, examiner assumes they are the same art.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Aug et al. (US 5,023,754).

Regarding claims 1, 5, Aug et al. discloses a network device (20), column 2, line 60, as shown in figures 2-4 comprising:

second and fourth functional PCBs (56), see figure 3, located in a second portion (connector 28) of the network device, wherein the second and fourth functional PCBs are reverse orientated within the network device with respect to the first functional PCB;

a first mid-plane (30), column 3, line 6, connected to the first and third functional PCBs (56);

a second mid-plane (44), column 3, line 23, connected to the second and fourth functional PCB (56); and

a switch fabric card (22), column 3, line 62, connected to both the first and second mid-planes.

Regarding claim 12, Aug et al. discloses a network device (20), column 2, line 60, as shown in figures 2-4 comprising:

a first plurality of functional printed circuit boards (PCBs) (56), see figure 3, column 3, and line 9, located in a first portion (connectors 28) of the network device (the device having a backplane 22);

a second plurality of functional PCBs (56), see figure 3, located in a second portion (connector 28) of the network device, wherein the second plurality of functional PCBs are reverse orientated within the network device with respect to the first plurality of functional PCBs;

a first mid-plane (30), column 3, line 6, connected to the first plurality of functional PCBs (56);

a second mid-plane (44), column 3, line 23, connected to the second plurality of functional PCB (56); and

Art Unit: 2827

a switch fabric card (22), column 3, line 62, connected to both the first and second mid-planes.

As to claims 2-4, 6-8, and 16-18, Aug et al. discloses the first and second boards (logic elements cards 56) inherently be one of forward, cross-connection, or universal port cards as disclosed in figure 3.

As to claims 9-11, and 13-15, Aug et al. discloses the first and second portions (28) comprised top and bottom portions of the network device as disclosed in figure 3.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Casanova et al., Wicklund et al., Lam et al., Hauke et al., Uzuka et al., and Ho et al. disclose related art.

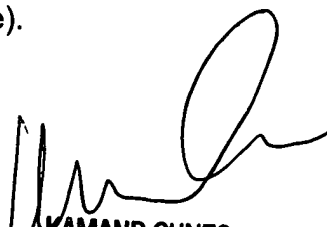
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan T Dinh whose telephone number is 571-272-1929. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kammie Cuneo can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2827

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuan Dinh  
March 20, 2004.



KAMAND CUNEO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800